

E-Filing

1 KEVIN V. RYAN (CSBN 118321)
United States Attorney

2 MARK L. KROTOSKI (CSBN 138549)
3 Chief, Criminal Division

4 SUSAN KNIGHT (CSBN 209013)
Assistant United States Attorney

5 150 Almaden Blvd., Suite 900
6 San Jose, California 95113
Telephone: (408) 535-5056
7 FAX: (408) 535-5066
Susan.Knight@usdoj.gov

8 Attorneys for Plaintiff

FILED

AUG -7 2006

RICHARD W. WIERING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE

9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA
11 SAN JOSE DIVISION

12
13 UNITED STATES OF AMERICA,

14 Plaintiff,

15 v.

16 WILETTE JOY PARKER,

17 Defendant.

No. 06-70359 HRL

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STIPULATION AND [PROPOSED]
ORDER EXCLUDING TIME

SAN JOSE VENUE

21 The undersigned parties respectfully request that the arraignment in the above-captioned
22 matter be continued from August 10, 2006 to August 31, 2006 at 9:30 a.m. before the Honorable
23 Judge Vadas. Guy Caputo, who represents the defendant, has a family emergency and will be out
24 of town until the end of the month. The defendant, through Mr. Caputo, has agreed to an
25 exclusion of time under Rule 5 of the Federal Rules of Criminal Procedure and the Speedy Trial
26 Act from August 10, 2006 to August 31, 2006. The parties agree and stipulate that an exclusion
27 of time is appropriate based on the defendant's need for continuity and effective preparation of
28 counsel.

1 SO STIPULATED:

KEVIN V. RYAN
United States Attorney

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3 DATED: _____

/s/
SUSAN KNIGHT
Assistant United States Attorney

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5 DATED: _____

/s/
GUY J. CAPUTO
Counsel for Ms. Parker

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8 Accordingly, the Court HEREBY ORDERS that the preliminary hearing or arraignment is
9 continued to August 31, 2006 at 9:30 a.m. Good cause is shown and the continuance is proper
10 under Rule 5 of the Federal Rules of Criminal Procedure and 18 U.S.C. § 3060.

11 For good cause shown, the Court FURTHER ORDERS that time be excluded under the
12 Speedy Trial Act from August 10, 2006 until August 31, 2006. The Court finds, based on the
13 aforementioned reasons, that the ends of justice served by granting the requested continuance
14 outweigh the best interest of the public and the defendant in a speedy trial. The failure to grant
15 the requested continuance would deny defense counsel reasonable time necessary for effective
16 preparation, taking into account the exercise of due diligence, and would result in a miscarriage
17 of justice. The Court therefore concludes that this exclusion of time should be made under 18
18 U.S.C. §§ 3161(h)(8)(A) and (B)(iv).

19 SO ORDERED.

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21 DATED: 8/7/06


RICHARD SEEBORG
United States Magistrate Judge